

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

New England Power Company

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D.T.E. 02-33

**PETITION OF CANAL ELECTRIC COMPANY, CAMBRIDGE ELECTRIC
LIGHT COMPANY, AND COMMONWEALTH ELECTRIC COMPANY
REQUESTING LIMITED PARTICIPANT STATUS**

Pursuant to 220 C.M.R. 1.03, Canal Electric Company (“Canal”), Cambridge Electric Light Company (“Cambridge”), and Commonwealth Electric Company (“Commonwealth”) (together, “NSTAR Electric”), hereby petition the Department of Telecommunications and Energy (the “Department”) to participate in the above-captioned proceeding as a Limited Participant. In support of its petition, NSTAR Electric states the following:

1. Canal is an electric company affiliated with Cambridge and Commonwealth that purchases and sells wholesale electricity to Cambridge, Commonwealth and other wholesale customers. Canal is subject in limited instances to the regulatory jurisdiction of the Department.
2. Cambridge is a Massachusetts electric company, as defined in G.L. c. 164, § 1, providing retail service in Massachusetts and is subject to the regulatory jurisdiction of the Department. Cambridge provides retail electric service to customers in the City of Cambridge, Massachusetts.
3. Commonwealth is a Massachusetts electric company, as defined in G.L. c. 164, § 1, providing retail service in Massachusetts and is subject to the regulatory

jurisdiction of the Department. Commonwealth provides retail electric service to customers throughout southeastern Massachusetts, including Cape Cod and Martha's Vineyard.

4. NSTAR Electric's usual place of business is:

NSTAR Electric & Gas Corporation
800 Boylston Street
Boston, MA 02199

5. On May 17, 2002, NSTAR Electric filed a petition with the Department, pursuant to G.L. c. 164, §§ 1A, 1G, 76, 94, 94A and 94B, for the following: (1) approval of the sale of Canal's interest in the nuclear power plant known as Seabrook Station ("Seabrook"), which is an operational 1,161-megawatt ("MW") nuclear generating unit located in Seabrook, New Hampshire, to FPL Energy Seabrook, LLC ("FPLE Seabrook"); (2) approval of the Ninth Amendment to Power Contract By and Between Canal Electric Company, Cambridge Electric Light Company and Commonwealth Electric Company, which provides for Cambridge and Commonwealth's buyout of any and all obligations with respect to purchasing Seabrook power from Canal (the "Buyout Agreement"); and (3) findings concerning the divested assets as eligible facilities for exempt wholesale generator ("EWG") status under Section 32 of the Public Utility Holding Company Act of 1935 (15 U.S.C. § 79z-5a) ("PUHCA"). The Department docketed this petition as D.T.E. 02-34.
6. Similarly, on May 17, 2002, New England Power Company ("NEP") filed with the Department a petition for: (1) approval of NEP's sale of its interest in

Seabrook to FPLE Seabrook; and (2) findings concerning the divested assets as eligible facilities under Section 32(c) of PUHCA.¹

7. On May 22, 2002, the Department issued a Notice of Filing and Public Hearing with respect to NEP's petition. The notice requires all parties wishing to intervene in D.T.E. 02-33 to submit petitions to that effect to the Department by June 10, 2002.
8. In conducting adjudicatory hearings, the Department "may allow any person showing that he may be substantially and specifically affected by the proceeding to intervene as a party in the whole or any portion of the proceeding, and allow any other interested person to participate by presentation of argument orally or in writing, or for any other limited purpose," as the Department may order. G.L. c. 30A, § 10(4); 220 C.M.R. § 1.03(1)(b).
9. NSTAR Electric has a substantial and specific interest in participating in this proceeding as a Limited Participant because the Department will be adjudicating in this proceeding issues virtually identical to those presented in D.T.E. 02-34, regarding Canal's divestiture of its interest in Seabrook. Moreover, the sale of Seabrook will proceed only if all relevant regulatory approvals are obtained. Therefore, any decision by the Department in this proceeding will substantially and specifically affect NSTAR Electric.
10. In addition, good cause exists for allowing this petition because: (1) the procedural conference for the proceeding has not yet been held; (2) NSTAR

¹ In the interest of administrative efficiency, NSTAR Electric and NEP have filed a Joint Motion to Consolidate evidentiary hearings in D.T.E. 02-33 and D.T.E. 02-34 because of the similarity of the proceedings regarding the sale of Seabrook and findings regarding EWG status.

Electric's Limited Participant status will not jeopardize the efficiency of the Department's investigation in any material way; and (3) NSTAR Electric has contacted counsel for NEP concerning its interest in this case and can represent that NEP does not object to NSTAR Electric being granted Limited Participant status.

9. Accordingly, NSTAR Electric will be substantially and specifically affected by this proceeding and seeks to participate in this proceeding as a Limited Participant with rights to receive copies of all pleadings, discovery requests and responses and to file brief(s) in accordance with the procedural schedule to be established by the Department.

WHEREFORE, for the reasons stated above, NSTAR Electric respectfully requests this Petition to Participate as a Limited Participant in the above-referenced proceeding be granted. NSTAR Electric hereby notices the appearances of the undersigned counsel. It requests that copies of all notices, testimony, pleadings and correspondence pertaining to this proceeding be directed to counsel as shown below.

Respectfully submitted,

**CANAL ELECTRIC COMPANY
CAMBRIDGE ELECTRIC LIGHT COMPANY
COMMONWEALTH ELECTRIC COMPANY**

By Its Attorneys,

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